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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/311,890	05/14/1999	JAMES H. SABRY	19681-2	1859

22434 7590 10/22/2002
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EXAMINER

MARSCHEL, ARDIN H

ART UNIT	PAPER NUMBER
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1631

DATE MAILED: 10/22/2002

27

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/311,890	Applicant(s) Sabry et al.
	Examiner Ardin Marschel	Art Unit 1631
		
<i>-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --</i>		
Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.		
<ul style="list-style-type: none"> - Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). 		
Status <p> <input checked="" type="checkbox"/> Responsive to communication(s) filed on <u>Jul 19, 2002</u> </p> <p> <input type="checkbox"/> This action is FINAL. <input checked="" type="checkbox"/> This action is non-final. </p> <p> <input type="checkbox"/> Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i>, 1935 C.D. 11; 453 O.G. 213. </p>		
Disposition of Claims <p> <input checked="" type="checkbox"/> Claim(s) <u>1-14, 16-18, and 29-44</u> is/are pending in the application. </p> <p> <input type="checkbox"/> 4a) Of the above, claim(s) _____ is/are withdrawn from consideration. </p> <p> <input type="checkbox"/> 5) <input type="checkbox"/> Claim(s) _____ is/are allowed. </p> <p> <input checked="" type="checkbox"/> 6) <input type="checkbox"/> Claim(s) <u>1-14, 16-18, and 29-44</u> is/are rejected. </p> <p> <input type="checkbox"/> 7) <input type="checkbox"/> Claim(s) _____ is/are objected to. </p> <p> <input type="checkbox"/> 8) <input type="checkbox"/> Claims _____ are subject to restriction and/or election requirement. </p>		
Application Papers <p> <input type="checkbox"/> 9) <input type="checkbox"/> The specification is objected to by the Examiner. </p> <p> <input type="checkbox"/> 10) <input type="checkbox"/> The drawing(s) filed on _____ is/are a) <input type="checkbox"/> accepted or b) <input type="checkbox"/> objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). </p> <p> <input type="checkbox"/> 11) <input type="checkbox"/> The proposed drawing correction filed on _____ is: a) <input type="checkbox"/> approved b) <input type="checkbox"/> disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action. </p> <p> <input type="checkbox"/> 12) <input type="checkbox"/> The oath or declaration is objected to by the Examiner. </p>		
Priority under 35 U.S.C. §§ 119 and 120 <p> <input type="checkbox"/> 13) <input type="checkbox"/> Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). </p> <p> a) <input type="checkbox"/> All b) <input type="checkbox"/> Some* c) <input type="checkbox"/> None of: 1. <input type="checkbox"/> Certified copies of the priority documents have been received. 2. <input type="checkbox"/> Certified copies of the priority documents have been received in Application No. _____. 3. <input type="checkbox"/> Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). </p> <p> *See the attached detailed Office action for a list of the certified copies not received. </p>		
<p> <input type="checkbox"/> 14) <input type="checkbox"/> Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e). a) <input type="checkbox"/> The translation of the foreign language provisional application has been received. </p> <p> <input type="checkbox"/> 15) <input type="checkbox"/> Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121. </p>		
Attachment(s) <p> 1) <input type="checkbox"/> Notice of References Cited (PTO-892) 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) <i>objection(s) sheet</i> 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6) <input type="checkbox"/> Other: _____ </p>		

The request, filed 7/19/02, for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 09/311,890 is acceptable and a CPA has been established. An action on the CPA follows.

Applicants' arguments, filed 7/19/02, have been fully considered but they are not deemed to be persuasive. Rejections and/or objections not reiterated from previous office actions are hereby withdrawn. The following rejections and/or objections are either reiterated or newly applied. They constitute the complete set presently being applied to the instant application.

PRIOR ART REJECTIONS:

The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. § 103, the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 C.F.R. § 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of potential 35

U.S.C. § 102(f) or (g) prior art under 35 U.S.C. § 103(a).
Claims 1-6, 8-14, 16-18, 40, and 42-44 are rejected under 35
U.S.C. § 103(a) as being unpatentable over Hemstreet, III et
al. (P/N 5,733,721); taken in view of Sutherland et al. (P/N
4,818,710).

This rejection is reiterated from the previous office
action, mailed 3/26/02, as still be applicable due to the light
guide in Sutherland et al. cites an oil assemble which is deemed
a light guide as instantly claimed.

Claims 1-14, 16-18, and 29-44 are rejected under 35 U.S.C.
§ 103(a) as being unpatentable over Hemstreet, III et al. (P/N
5,733,721); taken in view of Sutherland et al. (P/N 4,818,710);
taken further in view of either of Balch (P/N 6,083,763) or In re
Venner (120 USPQ 193); all before taken in view of Rutenberg et
al. (P/N 5,287,272) for barcode practice.

This rejection is reiterated from the previous office
action, mailed 3/26/02, as still be applicable due to the light
guide in Sutherland et al. cites an oil assemble which is deemed
a light guide as instantly claimed.

No claim is allowed.

Papers related to this application may be submitted to
Technical Center 1600 by facsimile transmission. Papers should
be faxed to Technical Center 1600 via the PTO Fax Center located
in Crystal Mall 1. The faxing of such papers must conform with
the notices published in the Official Gazette, 1096 OG 30
(November 15, 1988), 1156 OG 61 (November 16, 1993), and 1157 OG
94 (December 28, 1993) (See 37 CFR § 1.6(d)). The CM1 Fax Center

number is either (703)308-4242 or (703)305-3014.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ardin Marschel, Ph.D., whose telephone number is (703)308-3894. The examiner can normally be reached on Monday-Friday from 8 A.M. to 4 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Woodward, Ph.D., can be reached on (703)308-4028.

Any inquiry of a general nature or relating to the status of this application should be directed to Patent Analyst, Tina Plunkett, whose telephone number is (703)305-3524 or to the Technical Center receptionist whose telephone number is (703) 308-0196.

October 18, 2002


ARDIN H. MARSCHEL
PRIMARY EXAMINER